

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	Civil Action No.
v.	:	99-2496 (GK)
	:	
PHILIP MORRIS USA INC.,	:	
f/k/a PHILIP MORRIS INC., <u>et al.</u> ,	:	
	:	
Defendants.	:	

Order # 419

In Order #411 the Court found BATCo in conditional civil contempt for its failure to comply with Orders #343 and #354. BATCo was ordered to purge itself of contempt by fully complying with Order #343 and producing to the United States or logging as privileged the documents encompassed within that Order no later than 9:00 a.m. EST on October 17, 2003. BATCo was further ordered to notify the Court of its compliance with the Court's Order by filing a status report no later than 11:00 a.m. EST on October 17, 2003. Order #411 stated that "BATCo's failure to come into compliance with Order #343 will lead to the imposition of a fine of \$25,000 per day of non-compliance, to be paid into the Registry of the Court." Order #411 at 2.

Pursuant to Order #411, BATCo filed a status report with the Court on October 17, 2003. However, the status report does not

indicate that BATCo has complied with Order #411 by producing or logging as privileged the documents encompassed within Order #343.¹

In light of BATCo's non-compliance with Orders #343, #354 and #411, it is hereby

ORDERED that BATCo deposit into the Registry of the Court \$25,000 per day until such time as BATCo comes into compliance with Order #343.

Date

Gladys Kessler
United States District Court Judge

Copies served upon:

Hon. Richard A. Levie (Ret.)
Sharon Y. Eubanks, Esq.
Jonathan M. Redgrave, Esq.
Leonard A. Feiwus, Esq.
David L. Wallace, Esq.

¹ The United States has filed a Notice Re Failure of BATCo to Comply with Order #411 and Resulting Contempt which states that BATCo has not produced the documents or logged them as privileged.